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DATE: September 21, 2007

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TO: Examiner Pedro Philogene, Group Art Unit 3733
 COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300
 PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333
 FAX NUMBER: (317) 636-1507

RE: Response to Office Action for U.S. Patent Application No. 10/792,358 to Charles L. Branch et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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Douglas A. Collier
 Name of Registered Representative
Douglas A. Collier
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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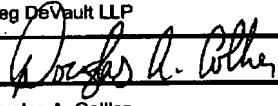
Application Number
10/792,358Filing Date
March 3, 2004First Named Inventor
Charles L. Branch et al.Art Unit
3733Examiner Name
Pedro PhilogeneAttorney Docket Number
MSDI-90/PC689.02RECEIVED
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ENCLOSURES (Check all that apply)

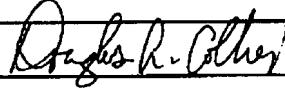
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Fax Cover Sheet
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	September 21, 2007	Reg. No.	43,556

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Douglas A. Collier
Date	September 21, 2007

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PTO/SB/17 (12-04v2)

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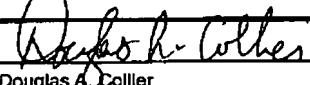
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete If Known	
		Application Number	10/792,358
		Filing Date	March 3, 2004
		First Named Inventor	Charles L. Branch
		Examiner Name	Pedro Philogene
		Art Unit	3733
		Attorney Docket No.	MSDI-90/PC689.02
<input type="checkbox"/>	TOTAL AMOUNT OF PAYMENT (\$)		
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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)																																																					
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FEE CALCULATION																																																					
1. BASIC FILING, SEARCH, AND EXAMINATION FEES																																																					
<table border="1"> <thead> <tr> <th rowspan="2" style="text-align: left; vertical-align: bottom;">Application Type</th> <th colspan="2" style="text-align: left; vertical-align: bottom;">FILING FEES</th> <th colspan="2" style="text-align: left; vertical-align: bottom;">SEARCH FEES</th> <th colspan="2" style="text-align: left; vertical-align: bottom;">EXAMINATION FEES</th> </tr> <tr> <th style="text-align: left; vertical-align: bottom;">Small Entity</th> <th style="text-align: left; vertical-align: bottom;">Fee (\$)</th> <th style="text-align: left; vertical-align: bottom;">Small Entity</th> <th style="text-align: left; vertical-align: bottom;">Fee (\$)</th> <th style="text-align: left; vertical-align: bottom;">Small Entity</th> <th style="text-align: left; vertical-align: bottom;">Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td style="text-align: left;">300</td> <td style="text-align: left;">150</td> <td style="text-align: left;">500</td> <td style="text-align: left;">250</td> <td style="text-align: left;">200</td> <td style="text-align: left;">100</td> </tr> <tr> <td>Design</td> <td style="text-align: left;">200</td> <td style="text-align: left;">100</td> <td style="text-align: left;">100</td> <td style="text-align: left;">50</td> <td style="text-align: left;">130</td> <td style="text-align: left;">65</td> </tr> <tr> <td>Plant</td> <td style="text-align: left;">200</td> <td style="text-align: left;">100</td> <td style="text-align: left;">300</td> <td style="text-align: left;">150</td> <td style="text-align: left;">160</td> <td style="text-align: left;">80</td> </tr> <tr> <td>Reissue</td> <td style="text-align: left;">300</td> <td style="text-align: left;">150</td> <td style="text-align: left;">500</td> <td style="text-align: left;">250</td> <td style="text-align: left;">600</td> <td style="text-align: left;">300</td> </tr> <tr> <td>Provisional</td> <td style="text-align: left;">200</td> <td style="text-align: left;">100</td> <td style="text-align: left;">0</td> <td style="text-align: left;">0</td> <td style="text-align: left;">0</td> <td style="text-align: left;">0</td> </tr> </tbody> </table>						Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Utility	300	150	500	250	200	100	Design	200	100	100	50	130	65	Plant	200	100	300	150	160	80	Reissue	300	150	500	250	600	300	Provisional	200	100	0	0	0	0
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Provisional	200	100	0	0	0	0																																															
2. EXCESS CLAIM FEES																																																					
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Each independent claim over 3 (including Reissues)																																																					
Multiple dependent claims																																																					
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HP = highest number of total claims paid for, if greater than 20.																																																					
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3. APPLICATION SIZE FEE																																																					
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																																					
<table border="1"> <thead> <tr> <th rowspan="2" style="text-align: left; vertical-align: bottom;">Total Sheets</th> <th colspan="2" style="text-align: left; vertical-align: bottom;">Extra Sheets</th> <th style="text-align: left; vertical-align: bottom;">Number of each additional 50 or fraction thereof</th> <th style="text-align: left; vertical-align: bottom;">Fee (\$)</th> <th style="text-align: left; vertical-align: bottom;">Fee Paid (\$)</th> </tr> <tr> <th style="text-align: left; vertical-align: bottom;">Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>100 - 100 =</td> <td style="text-align: left;">/ 50 =</td> <td style="text-align: left;">(round up to a whole number)</td> <td style="text-align: left;">x</td> <td style="text-align: left;">=</td> <td style="text-align: left;">Fee Paid (\$)</td> </tr> </tbody> </table>						Total Sheets	Extra Sheets		Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	100 - 100 =	/ 50 =	(round up to a whole number)	x	=	Fee Paid (\$)																															
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4. OTHER FEE(S)																																																					
Non-English Specification, \$130 fee (no small entity discount)																																																					
Other (e.g., late filing surcharge):																																																					

SUBMITTED BY	
Signature	
Name (Print/Type)	Registration No. 43,556 (Attorney/Agent)
Telephone 317-636-4341	
Date September 21, 2007	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application:) Before the Examiner
) Pedro Philogene
Charles L Branch, et al.)
) Group Art Unit:
Serial No. 10/792,358) 3733
)
Filed: March 3, 2004) Atty Docket No.:
) MSDI-90/PC689.02
INSTRUMENTS AND METHODS FOR)
MINIMALLY INVASIVE TISSUE) September 21, 2007
RETRACTION AND SURGERY)

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Non-Final Office Action mailed June 27, 2007, please consider the following. The fee for one additional independent claim is enclosed herewith. No additional fees or extensions or time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any additional fees due to Deposit Account 12-2424, but not including the payment of issue fees.

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Sept. 21, 2007
(Date of Transmission)

Douglas A. Collier
Name of Registered Representative

Douglas A. Collier
Signature

Sept. 21, 2007
Date of signature

Response to Office Action
Ser. No. 10/792,358
Atty Docket No. MSDI-90/PC689.02
Page 1 of 17